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CAN A MINOR'S SUIT *IN FORMA PAUPERIS* BY A NEXT FRIEND BE DISMISSED FOR DEFAULT OF APPEARANCE?

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Can a suit by a minor by a next friend, instituted *in forma pauperis*, be dismissed for default of appearance of such next friend when the suit is called on for hearing or should it be kept pending till the minor attains age when he Could elect to proceed with the suit or not? In one case the lower Court had dismissed such a suit for default, and when an application for restoration was made, the suit was restored on the terms, that the plaintiff should pay the entire cost of the defendant and also the court-fee due to Government. In an appeal against the final order of dismissal praying for disannexing the onerous condition from the order, the appellate Judge, held that an appeal lay against the order as passed, modified the same by setting aside that portion of the order relating to payment of court-fees due to Government and ordered restoration of the suit, if payment of the other costs was made within a time to be fixed by that Court.

The question is whether in those circumstances the trial Court had at all power to dismiss the suit for default. Contrary to the ordinary run of suits where adequate court-fee is paid on the relief claimed in the plaint, there are two special features in this case, *viz.*, minority and pauperism. The provisions of O. 32 and O. 33, Civil Procedure Code, contain special rules applicable to such cases, not only in the matter of payment of court-fees and other costs but also in that of conferring privileges on minors. S. 35, Civil Procedure Code relating to the nature and extent of the powers of Courts to award costs in suits is made subject to rules. Besides the relevant rules found in the two Orders, we have the

decisions in *Kesho Pershad* v. *Hirday Narain*[1], *Kathasawmy* v. *Ramachandran*[2], *Venkataratnam* v. *Nagappa*[3], *Chinnasubbarayudu* v. *Veeraswami*[4] and *Venkatasurya Subbarayudu Sowcar* v. *Bapannarao Sowcar*[5], bearing on this point. The first four cases lay down in clear and unmistakable terms that the Court, whether it had power to dismiss a suit, for default or not, must automatically restore the suit as in cases like the present a minor could not appear personally in the eye of law and the non-appearance of the next friend who merely acts for him could be regarded, at the worst, only as neglect of duty on his part in which case provision is made for his removal or appointment of another next friend—*vide* O. 32, r. 6, Civil Procedure Code. The last of the decisions referred to without saying that the earlier Madras cases were wrongly decided, proceeded to correct the view that a minor's suit dismissed for default of appearance, should be automatically restored. The then Chief Justice who was a party to one of the earlier cases explained his own view and stated that suits could be dismissed but that restoration depended, as in other cases on the *bona fides* of the absence of the next friend. With due respect to the learned Chief Justice, it must be observed that there was no warrant for going back on the point of view which was propounded by him before (and also as early as in *Kesho Pershad* v. *Hirday Narain*[1], and followed since). If only the attention of his Lordship had been drawn to the decision in *Doraswami* v. *Thungasami*[6], his decision might have been different. That was a case under the old Code, but the language of the corresponding provision is the same. In that decision Mr. Justice Bhashyam Aiyangar had observed: "it is clear that the Subordinate Judge failed to exercise the jurisdiction which the Court by reason of the petitioner (plaintiff in the suit) being an infant had over the conduct and disposal of the suit and to realise his responsibility in the matter. The suit has the effect of making the minor a ward of Court. It is therefore the duty of the Court not to permit him to prejudice the interests of the minor, but to adjourn the suit in order that some one interested in the minor may apply on behalf of the minor for the removal of the next friend and appointment of a new next friend, or in order that the minor plaintiff himself, may on coming of age, elect to proceed with the suit or withdraw from it". It is strange that this case was not noticed in *Venkatasurya Subbarayudu Sowcar* v. *Bapannarao Sowcar*[5]. It is to be hoped that when the same point comes up again, the question will be more fully considered and the principles finally enunciated for the

1. (1880) 6 Cal. L.R. 69.
2. (1934) 66 M.L.J. 683.
3. (1934) 66 M.L.J. 387.
4. (1934) 41 L.W. 117.
5. (1935) 68 M.L.J. 615.
6. (1903) 14 M.L.J. 159: I.L.R. 27 Mad. 377.

guidance of Courts. It may be urged that to uphold the view in *Doraswami Thungaswami*[1], would amount to the default provisions in the Code not being applied at all to the case of minors, but that is a lacuna, if at all, which can be cured only by a legislative enactment. Probably, as the Orders indicate, the policy of the law is to treat minors as belonging to a favoured class alongside of paupers, who are obliged to pay court fee only at the end of the litigation. So much for the question of dismissal of the suit or the restoration thereof.

So far, however, as the condition of payment of all costs and court-fee due to Government is concerned, it seems that according to the true view, the Court can legitimately order, if at all, only the payment of day costs. The question in one form came up recently, in a case reported in *Raju Chettiar* v. *Ramakkal*[2]. That was a case where the plaintiff, a minor suing by a next friend, was not ready to get on and applied for an adjournment of the suit. The Court, after several adjournments, adjourned the suit with a direction that the plaintiff should pay day costs to the defendant as a condition precedent on or before the adjourned date. The legality of such an order was questioned and it was held that such an order was not illegal and could be enforced by the dismissal of the suit itself, that a pauper is exempted from payment of costs or other fees specifically mentioned in O. 33, r. 8, Civil Procedure Code, but there is no exemption from liability for day costs. Mr. Justice Krishnaswami Aiyangar recognised only the immunity for payment of the court-fee on the plaint and other proceedings mentioned in r. 8 of the Order. Whatever justification there was for the order in those terms, it looks as if it is limited to payment of costs or other fees except those specifically mentioned. In a case reported in *Lim Pin Sin* v. *Eng wan Hock*[3], the Judges felt themselves unable to hold that the order in that case was unjustified. That was a case of constant default and the dismissal of the suit as a last resort for default of payment of day costs within the time fixed was held to be valid. If the plaintiff is *sui juris* there is no harm in dismissing the suit, in consequence of the costs not being paid in time. As matters now stand, day costs alone can be ordered, but it will certainly be beyond the competence of a Court to order payment of court-fees due to Government, as a condition precedent to restoration, as such an order can be passed only at the time of the disposal of the suit, and as against a person *sui juris* but not as against a minor who cannot be held personally responsible for the misconduct or the negligence of the next friend. If *Doraswami* v. *Thungasami*[1] holds the field, such a

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1. (1903) 14 M.L.J. 159: I.L.R. 27 Mad. 377.
2. (1941) 1 M.L.J. 305.
3. (1928) I.L.R 6 Rang. 561.

thing will never happen, as the suit has to be held up either till the minor attains age or another next friend is appointed, the Court being properly moved for the purpose.

COURT-FEES—A HISTORICAL RETROSPECT.

BY

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On perusing the Indian Court-Fees Act for the first time, one may notice certain curious words occurring in S. 3 of the Act suggesting that in addition to their regular salaries, clerks and officers of the High Court were in enjoyment of certain "fees" which the litigants had to pay out in order to make the wheels of justice move. The words are: "The fees payable for the time being to the clerks and officers (other than the Sheriffs and Attorneys) of the High Courts established by Letters Patent, by virtue of the power conferred by S. 15 of the Indian High Courts Act, 1861 or S. 107 of the Government of India Act, 1915 . . . shall be collected in manner hereinafter appearing". Under S. 15 of the High Courts Act and S. 107 of the Government of India Act, the High Courts are empowered "to settle tables of fees to be allowed to the Sheriff, Attorneys and all clerks and officers of Courts". The same words are repeated in S. 224 (d) of the Government of India Act, 1935. Tracing the matter back, one finds that the words in S. 3 of the Court-Fees Act have a hoary past and represent a state of affairs which had their roots far back in the history of English Law in feudal conceptions. The Charter of 1687 establishing the Mayor's Court at Madras empowered the Mayor and Aldermen "to appoint, raise, pay and allow such moderate and convenient salaries and fees to the said inferior officers . . . . . as to the said Court of Aldermen shall seem meet and convenient"; and the Town Clerk to be appointed thereunder was "to have and receive for his pains and care in that business such salary and such moderate fees (and no other) as the Court of Aldermen shall appoint". The Charter of 1726 after empowering the Mayor's Court "to nominate and appoint such clerks and officers . . . . as shall be found necessary", proceeded to say:

"And Our further Will and Pleasure is, and We do hereby require and command, that a Table of Fees to be allowed to such clerks and officers, shall be settled by the said Court, and approved and signed by the Governor or President of Fort St. George aforesaid, for the time being, and shall be wrote out fair, and kept constantly fixed up in some visible and open part of the room or place, where the said Court shall be held".

Evidently, it was feared that the clerks and officers might try to keep the Table of Fees secret and charge more than the prescribed fees—a fear that was not ill-founded inasmuch as the practice had been resorted to by officers of Courts in England in the 16th, 17th and 18th centuries. The Charter of 1753 while repeating the above, word for word, further provided:

"And that it shall and may be lawful for the said Court, with the approbation of the said Governor or President and Council, for the time being, or the major part of them, and also to and for the Court of Directors of the said United Company, or any Thirteen or more of them, to vary and alter such Table of Fees, in such manner as they shall think fit".

The Charter dated 26th December, 1800, establishing a Supreme Court of Judicature at Madras, after empowering the Court by Cl. 19 "to appoint so many and such clerks, Registrars, Proctors and other Ministerial officers, as shall be found necessary for the administration of justice, and the due execution of all the powers and authorities which are and shall be granted and committed to the said Court, by these our Letters Patent" proceeded thus in Cl. 20:

"And we do hereby further authorise and empower the said Supreme Court of Judicature at Madras to settle a table of the fees to be allowed to such Sheriff, Attorneys, and all other clerks and other officers aforesaid, for all and every part of the business to be done by them respectively, which fees, when approved by the said Governor of Fort St. George, in Council (to whom we hereby give authority to review the same) the said Sheriff, Attorneys, clerks and other officers shall and may lawfully demand and receive. And We do further authorise the said Supreme Court of Judicature at Madras, with the like concurrence of the said Governor in Council from time to time, to vary the said Table of Fees, as there shall be occasion . . . . And We further direct and appoint that the said Table, and the said alteration and variations thereof . . . . shall be hung up in some conspicuous part of the hall, or place where the Supreme Court of Judicature shall be publicly holden".

Apparently, in those days, there was possibly an apprehension that the Judges may not be above receiving fees for their services to litigants, for, the Charter, after prescribing a salary of £.6,000 per annum for the Chief Justice and £.5,000 for each of the two Puisne Judges, proceeded to say in Cl. 13:

"And we do hereby ordain, appoint and declare, that the said salaries shall be in lieu of all fees of office, perquisites, emoluments and advantages whatsoever, and that no fees of office, perquisites, emoluments and advantages whatsoever, other than and except the said salaries, shall be accepted, received, or taken by such Chief Justice or the Puisne Justices, in any manner or on any account or pretence whatsoever".

Now the idea of levying fees from litigants may be based on any of the following reasons: (1) That it is desirable to check vexatious litigation; (2) That the administration of justice should pay its way and that the general taxpayer should not be called upon to subsidise the private quarrels of individuals; or (3) That

it should be considered as a source of revenue to the State just like income-tax or succession duty. The third seems to be the reason for its levy in India at the present day. Even the Courts may be said to have recognised that that is the basis on which court-fee is levied in India at present, by their applying the principles governing the interpretation of fiscal enactments to the construction of the provisions of the Act.

The second reason given above is probably the basis of payment by "fees" to the "clerks and officers" of the Court as set forth in the extracts above. Properly applied, it is probably the most equitable basis; but it was because it was not properly applied and proved highly oppressive to the litigant public that in the second and third quarters of the last century, mainly as the result of an all-round attempt at improvement of judicial administration initiated by Bentham and other reformers, that a change-over was effected from payment by "fees" to payment of fixed salaries by the State to the officers.

How did it happen that the principle of payment by fees on the basis of services rendered, good in theory, came to be so oppressive and had to be given up? Professor Holdsworth has traced the origin and history of the official staffs of the Central Courts in England. According to him:

"The feudal system was both a system of land tenure and a system of Government. The lord from whom the land was held by his tenants had powers of Government over those tenants. The conception of tenure was applied not only to the land, but also to many other things, connected with the land; and, among those other things, to the Governmental rights, which either went with the tenure of land, or were annexed to it by usurpation or royal grant. The creation of these rights was one method of getting Governmental functions performed; and so, when kings or other rulers wished to get these functions, Governmental or otherwise, performed, they had recourse to this expedient. They did not make a contract with a person to perform these functions; they granted him a right to perform these functions on certain terms. Thus the office held by such an official was regarded as a piece of property which gave the official certain rights and placed him under certain duties, just as the tenure of a piece of land gave the tenant certain rights and placed him under certain duties." (Holdsworth's History of English Law, Vol. I, p. 241).

With the destruction of the feudal system and the successful consolidation of the institutions of the English Central Government, those institutions came "to be staffed by officials whose offices had been granted to them to have and to hold in fee, in tail or for life, in return for fees to be collected by them for doing the duties attached to those offices" (*ibid* p. 249). The right to collect such fees was looked upon as a species of property for which the candidates were willing to pay a handsome sum; favourites also may be rewarded by such grants. With the development of

the idea of property in the office, the question of the qualification of the grantee to perform the duties attached to the particular office became a secondary factor, and he could delegate his functions to another and allow him to retain a fraction of the fees received, and pay over the balance to him. The delegate himself may, in his turn delegate to another, and so on almost *ad infinitum*. By this process of delegation, in course of time there came into existence a set of officials having absolute sinecures. A glaring instance of such a sinecure was the office of "The Chief Clerk of the Court of King's Bench." As Professor Holdsworth says:

"No doubt, the Chief Clerk once had duties to perform; but long before the 19th century, these duties had been delegated to other officers who had acquired separate and independent positions of their own."

In the Report of the Commissioners upon saleable offices in the Courts of Common Law presented to Parliament in 1810, the total income of this sinecure office was shown as £. 6,280-18-6 per annum out of which, the holder paid to his deputy (who actually performed the duties) £. 200. Another sinecure office was called, "The Clerk of the Errors in the Exchequer Chamber" and the holder of the office paid his deputy £. 125, out of a total income of £. 2,333-16-7 per annum. There were many other similar instances both on the Common Law Side as well as in Chancery—only in Chancery with its Six Masters and its Six Clerks and innumerable other officers it was much worse. The income of all these sinecures, deputies, sub-deputies, etc., had to come from fees paid by suitors in connection with the very numerous acts that must be done to set and keep in motion the complicated machinery of the Courts from the issue of the original writ to the execution of the final judgment. It is no wonder that, in order to enhance their earnings, these officials multiplied the processes which judicial actions had to go through before an aggrieved person could get his rights—if he lived long enough to do so. Dickens has given a graphic picture of the progress of a Chancery action in his "Bleak House" thus:

"At the beginning of the 19th century, there was a regular hierarchy of officials. At the top there were the dignified officials who took large sums for doing nothing, and at the bottom there were the poorly paid clerks who did the work." (Holdsworth's History of English Law, Vol. I, p. 257).

The abuses of the system formed the subject of innumerable inquiries; but the vested interests were so powerful and had become so deeply entrenched that nothing could be done for a long time. Finally, a series of damaging reports by Special Commissioners issued between 1818 and 1822 threw such a lurid light upon the whole system, that reforms had to be undertaken; but, as is usual with English Parliamentary legislation, the evil was not tackled as a comprehensive whole. A series of special Acts dealing

with particular offices were passed at fairly long intervals. "The result of these changes was that at the time of the passing of the Judicature Acts (*i.e.*, 1873) there were two chief classes of officials attached to the Common Law Courts. They were the Masters and the Associates. Each of them possessed a staff of clerks. All officials were paid by fixed salary." (Holdsworth's History of English Law, Vol. I, p. 263).

In India, the evil did not attain anything like the proportions which it attained in England. But the reforming zeal in England in the second and third quarters of the 19th century had its reaction in India also. As mentioned earlier, the Charter of the Supreme Court issued in 1800 had empowered it to settle a table of fees to be allowed to the sheriff, attorneys, clerks and officers of the Court. Similar provisions existed in the Charters of the other Supreme Courts—those of Calcutta and Bombay. In 1835, in response to the directions of the Court of Directors, the Supreme Courts submitted returns showing the incomes of their several officers. The following facts culled from the return submitted by the Supreme Court of Madras reveal an interesting state of affairs. The salary of the Master (one Mr. J. Savage) was Rs. 525, *per mensem*. In addition to his salary, the said gentleman received as "fees" Rs. 30,463-5-4 in 1829, Rs. 31,875-10-8 in 1830, Rs. 39,699-13-9 in 1831, Rs. 36,625-11-2 in 1832 and Rs. 38,498-0-3 in 1833. The same gentleman held also the office of the Common Assignee of the Court for the relief of Insolvent Debtors, and in that capacity received every year a substantial sum by way of commission and office allowances. The Registrar and Prothonotary (one Mr. P. Cator) received no salary, but his net income in the shape of fees and emoluments was really enviable. His return showed a net income of Rs. 48,613-6-5 for 1829, Rs. 43,158-12-4 for 1830 and Rs. 65,773-11-11 for 1831. High as these appear to be, in Calcutta the officers seem to have done even better. The net average annual value of the Ecclesiastical and Admiralty Registrar's office of the Calcutta Supreme Court was Rs. 89,037-0-0; that of the Equity Registrar Rs. 52,786-0-0; and that of the Taxing Officer Rs. 22,245-15-0. In their Report, the Judges of the Supreme Court of Madras observed, that:

"Fixed salaries payable by the Government, accompanied with an adequate number of writers, and a due allowance for stationery and office establishments, would be a preferable mode of remuneration to that which at present exists; the whole of the fees in such case accounted for to the Government. This system we believe, is adopted throughout the Company's Courts, and we are not aware of any practical inconvenience which would arise from it in the Supreme Court".

The remuneration proposed by the learned Judges of the Calcutta Supreme Court for their several officers as

a final arrangement worked out as follows:—

Master, Accountant-General, Examiner in Equity and Examiner in Insolvent Court (all to be held by one person) Rs. 54,000 per annum.

Ecclesiastical, Equity and Admiralty Registrar, and Sworn Clerk (all to be held by one person) Rs. 54,000 „

Prothonotary, Clerk of the Crown, Clerk of the Papers and Sealer (all to be held by one person) Rs. 36,000 „

Taxing Officer, Receiver, Record Keeper and Chief Clerk of the Insolvent Court (all to be held by one person) Rs. 36,000 „

So strong was the influence of the vested interests, however, that the Judges observe:

"We think it right, and we are convinced that the Government would wish, that in any plan proposed for adoption, the interests of the present holders of office should be treated with the utmost respect."

After a great deal of correspondence, the present system of payment by fixed salaries to officers and of appropriating to the Government the fees paid by suitors was adopted.

These constitute the background and furnish the explanation for the curious words occurring in S. 3 of the Court-Fees Act. The kernel has been extracted, but the empty shell is kept intact as a relic of things of bygone days.

BOOK REVIEW.

"INDIAN COMPANY LAW," by M. J. Sethna, Barrister-at-Law, 2nd edition, 1941: Published by the author at 251, Tardeo Road, Bombay.

Company Law is a growing subject, and the Act of 1936 has made many changes in the law as enacted in 1913. The book under review contains the law as amended upto July, 1941. Though originally intended as a students' handbook, the present edition has been so enlarged as to become a practitioner's book and a lucid commentary on the Act. In the first portion of the book the author has dealt with the subject of Company Law in a logical manner, taking topic after topic and weaving them into a coherent and whole life-history of a company. Each fasciculus of sections of the Act bearing upon a topic has been analysed in the author's own language and the matter is elucidated by reference to relevant case-law, both English and Indian. In a short critical introduction the author has discussed how far the amending Act of 1936 is an improvement on that of 1913 in protecting the interests of share-holders and members of companies and third parties dealing with them. A special chapter has been devoted to the Insurance Act of 1938 as amended and the newly added

chapter on Income-tax and Super-tax with reference to registered companies will be found very useful by layman and lawyer alike. The several appendices to the book add to its utility as a practical *vade mecum* to the business man, the company promoter, the student of Company Law, and generally to all interested in company matters. The author deserves to be congratulated for bringing out this highly useful work.

THE CIVIL RULES OF PRACTICE AND CIRCULAR ORDERS issued by the High Court of Judicature at Madras for the guidance of Subordinate Civil Courts in the Presidency: Published by authority. Second edition (in 2 volumes).

This publication supplies a long-felt want. An authorised compilation of the Rules, Circular Orders and Instructions commands and enjoys a prestige and value of its own and the issue of revised editions periodically will certainly be a desirable step. The Rules implementing as they do the various statutory provisions are no doubt important, but more interesting are the Circular Orders setting out the practical rules framed as the result of intimate experience with the day to day working of the subordinate Courts and designed to ensure speedy administration of justice. They cover a variety of subjects like sittings of Courts, language of civil Courts, granting of adjournments, summons to defendants and witnesses, service of processes of and through foreign Courts in India, service of processes in countries outside India, death and array of parties, pleadings and matters connected with trials, commissions, judgments and decrees etc.

The first volume contains all the Rules and the more important Orders and Instructions regulating the practice and procedure of the subordinate Courts. It is laid in two parts. While Part I sets out the Rules made under the Civil Procedure Code by the High Court and the Circular Orders relating thereto, Part II gives the Rules issued by the High Court and the Local Government under several special enactments like the Court-Fees Act, the Provincial Insolvency Act, the Partition Act, the Guardians and Wards Act, the Indian Succession Act, the Administrator-General's Act, the Indian Divorce Act, the Indian Soldiers (Litigation) Act, the Indian Bar Councils Act, the Legal Practitioners Act, the Destruction of Records Act, the Madras Village Courts Act and the Madras Agriculturists' Relief Act. The relevant Circular Orders and Instructions are given at the appropriate places. Volume 2 deals mainly with matters relating to the administration of Courts and office routine and practice.

One remark that might be made is that in a publication of 1941 it should have been possible to accommodate the Rules and

Orders issued subsequent to the end of March, 1940 down to the commencement at least of this year. In the case of the first edition it was in fact stated that it had been brought up-to-date. Another point to attract criticism will be the note "all rights reserved". It is a matter for doubt whether apart from the Circular Orders and Instructions any copyright attaches to the Rules themselves. The English practice is that in the case of rules the Crown does not ordinarily assert any such claim. Further under S. 18 of the Copyright Act the copyright, if any, can attach in regard to rules only for 50 years from the date of their first promulgation.

The book is priced, Rs. 6. It is essential for every day practice. It makes interesting reading. It may be said that there is almost a duty cast on active practitioners to equip themselves with this authoritative publication.

THE INDIAN CONVEYANCER by Rai Bahadur P. C. Mogha, second edition: Published by Eastern Law House, Ltd., Ganesh Chunder Avenue, Calcutta, 1941, Price Rs. 10.

A book on conveyancing with specimen forms and instructions to understand and adapt them according to the special facts of each case will be an invaluable asset not merely to lawyers but also to laymen, particularly in this country where the importance of conveyancing as an art is just becoming increasingly realised. That copies of the first edition were sold out within a year of its publication and that Mr. Mogha's credentials to write authoritatively on this subject are high in view of his having been Government Conveyancer, U. P., are facts vouching for the value of the work. The general principles of conveyancing are set out in the Introduction. The Precedents are arranged in groups according to subjects and alphabetically. Short notes so far as may be necessary for conveyancing purposes are appended to the precedents relating to the different subjects. The Stamp and Registration laws are also referred to. It may be pointed out that the preliminary notes given are at times not in a pointed form. For instance, to state with reference to a Hindu widow's power of adoption in Bombay, "if her husband had died as a co-parcener 'see Mulla's Hindu law, 8th edition, p. 526' (p. 36)" is not really helpful. Moreover the distinction which the context seems to imply as existing in the Maharashtra school between a case where the husband had died divided and a case where he did not no longer exists.

A great merit about Mr. Mogha's book is that the precedents steer clear of unnecessary technical expressions and bring out all the essential ingredients relating to the particular transaction.

The forms are presented in a simple and intelligible style. We have great pleasure in welcoming this publication.

THE INDIAN LIMITATION ACT (1908), by V. V. Chitaley and K. N. Annaji Rao, second edition, 1941: Published by the All India Reporter, Ltd., Nagpur, Volumes I & II.

Messrs. Chitaley and Annaji Rao are very familiar to the legal world as the authors of commentaries on the Civil Procedure Code and the Criminal Procedure Code. The plan and execution of the present work follow the lines adopted in the case of the other two publications. The first volume deals with Ss. 1 to 32 and the second with Articles 1 to 140 of the first schedule. The first volume also sets out the provisions of the Prescription Act, 1832 (2 & 3 William IV, C. 71) and the Indian Easements Act, the Statement of Objects and Reasons and the Select Committee's Report on the Indian Limitation Bill, 1908.

It is indisputable that the provisions of the Limitation Act have given rise to a vast and staggering mass of decisions, not all of which are equally reconcilable. To sift and analyse the same and get at the core of the reasoning with a view to evolve a logical, and coherent body of rules may essentially be the task of a jurist. More modest but not less helpful is the task of the writer who collates, classifies and discusses the case-law under appropriate heads indicating in case of conflicting interpretations his own preference in the matter. The authors of the present work are alive to the fact that the "hackneyed method of merely digesting cases under each section" has ceased to carry any appeal and they have attempted to present the subject comprehensively. The present edition has noticed and incorporated all the decisions reported since the previous edition three years ago. The references to official reports have no doubt been given in all cases reported there but it would have been better if references to one or two non-official reports circulating in the province concerned had also been given.

As far as we have seen it may be stated that the propositions are generally accurately and neatly expressed. We are sure that the book under review will be highly helpful to all practitioners of law.

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